

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

CITY OF ALBUQUERQUE,

Plaintiff,

v.

Case No. 1:19-cv-00012-RB-JHR

BYD MOTORS, INC.,

Defendant.

**STIPULATED NOTICE OF DISMISSAL OF ALL CLAIMS WITH PREJUDICE**

Comes now the Plaintiff City of Albuquerque, by and through counsel Sanchez, Mowrer, & Desiderio, P.C. and the Office of the City Attorney, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), files this Stipulated Notice of Dismissal of All Claims With Prejudice, stating as follows:

1. On December 7, 2018, Plaintiff filed a Complaint against Defendant BYD Motors, Inc.<sup>1</sup> (“BYD”) in the Second Judicial District Court of New Mexico (Doc. 1-1).
2. On January 8, 2019, Defendant filed Notice of Removal to this Court (Doc. 1).
3. On January 9, 2019, Defendant filed an unopposed motion for extension of time to respond to the Complaint (Doc. 10). On January 10, 2019, the Court granted the motion (Doc. 11).
4. On February 11, 2019, the parties attended mediation before Boyd N. Boland, former U.S. Magistrate Judge for the District of Colorado.

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<sup>1</sup> BYD Motors, Inc. has been reorganized as BYD Motors LLC, a Delaware Limited Liability Company.

5. Although the parties did not reach a settlement during the mediation, they continued good faith settlement negotiations.

6. On March 18, 2019, Defendant filed an unopposed motion for extension of time to respond to the Complaint (Doc. 23). On March 20, 2019, the Court granted the motion (Doc. 24).

7. On April 5, 2019, Defendant filed an unopposed motion for extension of time to respond to the Complaint (Doc. 25). On April 9, 2019, the Court granted the motion (Doc. 26).

8. On April 29, 2019 Defendant filed an unopposed motion for extension of time to respond to the Complaint (Doc. 28). On May 1, 2019, the Court granted the motion (Doc. 29).

9. On May 10, 2019, Defendant filed an unopposed motion for extension of time to respond to the Complaint (Doc. 30). On May 14, 2019, the Court granted the motion (Doc. 31).

10. Defendant BYD has not filed its answer to the Complaint.

11. On May 19, 2019 the parties finalized a settlement agreement, settling all claims relating to this cause of action.

WHEREFORE, Plaintiff City of Albuquerque and Defendant BYD have settled all claims and hereby notify the Court of the Parties' stipulation to the dismissal of this action with prejudice.

CITY OF ALBUQUERQUE

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*Attorneys for Defendant BYD Motors LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 24<sup>th</sup> day of May, 2019, I filed the foregoing using CM/ECF, which caused this Stipulated Notice of Dismissal of All Claims With Prejudice to be served electronically upon all attorneys of record:

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